

## HOUSE BILL NO. 582

INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A GREEN JOBS TRAINING PROGRAM RELATED TO JOBS INVOLVING ENERGY EFFICIENCY, ENERGY CONSERVATION, RENEWABLE ENERGY, RECYCLING, OR RECLAMATION; PROVIDING CRITERIA FOR ELIGIBLE TRAINING PROGRAMS, TRAINEE PARTICIPANTS, AND INDUSTRY PARTNERS; ADDING TO THE DUTIES OF THE STATE WORKFORCE INVESTMENT BOARD; PROVIDING RULEMAKING AUTHORITY; DESCRIBING GRANT REQUIREMENTS; AMENDING SECTIONS 53-2-111, 53-2-1203, AND 53-2-1207, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Green jobs training program -- legislative intent -- rulemaking.** (1)

There is a green jobs training program established within the department for the purpose of improving skills of displaced workers or workers in need of training for jobs related to energy efficiency, energy conservation, renewable energy, or reclamation.

(2) It is the legislature's intent to prepare a workforce for green jobs of today and into the future by specifically training workers who have lost jobs in more traditional industries, other displaced workers, workers in need of skill revisions to address the demands of green jobs, and workers with low to moderate income.

(3) The department may adopt rules to implement [sections 1 through 6].

**NEW SECTION. Section 2. Definitions.** For the purposes of [sections 1 through 6], the following definitions apply:

(1) "Department" means the department of labor and industry established in 2-15-1701.

(2) "Eligible training program" means:

(a) educational training by a vocational-technical program at a unit of the Montana university system provided for in 20-25-201, at a community college district provided for in 20-15-101, or at an accredited, tribally controlled community college located in the state of Montana, vocational-technical education provided for in 20-7-301, or educational training by an entity approved by the department to provide workforce training;

(b) an apprenticeship offered by a nonprofit or labor organization under an agreement, as provided in Title 39, chapter 6; or

(c) skills training through a nonprofit organization, a labor organization, or an industry partner that meets eligibility, as provided by the department by rule, for federal funding deposited in the special revenue account established in [section 6].

(3) "Green jobs" means jobs associated with the activities listed in [section 4].

(4) "Industry partner" means:

(a) an industry affiliated with the activities listed in [section 4]; or

(b) a human resource development council as defined in 53-10-501.

(5) "Trainee participant" means:

(a) an individual in need of updated training for skills related to jobs with industry partners;

(b) a veteran or past or present member of the militia or the national guard as those terms are defined in 10-1-101;

(c) an unemployed worker;

(d) an economically disadvantaged worker;

(e) an at-risk youth, including a high school dropout;

(f) a displaced homemaker, as defined in 39-7-303; or

(g) a formerly incarcerated, adjudicated, nonviolent offender.

**NEW SECTION. Section 3. Eligibility for training grants.** To be eligible for a training grant under the green jobs training program, an entity providing an eligible training program must be able to demonstrate to the department:

(1) experience in implementing apprenticeship programs or operating worker skills training and education programs for one or more of the trainee participant categories described in [section 2(5)] or a cooperative agreement with an educational institution described in [section 2(2)], a nonprofit organization, a labor organization, or an industry partner that has the experience;

(2) an agreement with an industry partner for temporary job placement or apprenticeship opportunities; and

(3) an ability to recruit trainee participants from more than one category listed in [section 2(5)]. Under this subsection (3) an eligible training program shall provide a written plan describing recruitment methods, which

may include collaboration with a one-stop center as defined in 53-2-1202.

**NEW SECTION. Section 4. Industry partner criteria.** (1) An industry partner must be involved in one or more of the following:

- (a) the use of energy-efficiency standards, as defined by rule, in building, construction, or retrofitting;
- (b) the development or production of renewable electric power;
- (c) the development or manufacture of energy-efficient and advanced drive train vehicles;
- (d) the development or production of biofuels;
- (e) the recycling or deconstruction of previously used materials;
- (f) the assessment of residential, commercial, or industrial buildings for energy efficiency and energy conservation;
- (g) environmental reclamation; or
- (h) the manufacturing or production of sustainable products that use environmentally sustainable processes and materials.

(2) An industry partner that receives federal funds from a program administered by the department of commerce, the department of public health and human services, or the department may receive a priority for additional funds by participating in the green jobs training program.

**NEW SECTION. Section 5. Grant awards -- criteria.** (1) In addition to the duties described in 53-2-1203, the state workforce investment board shall award grants under [sections 1 through 6], subject to appropriation by the legislature, to an eligible training program based on a determination that the eligible training program meets the legislative intent described in [section 1] as demonstrated in the application materials required under subsection (2) of this section. The state workforce investment board may establish priorities for serving trainee participants and may award grants based on those published priorities.

(2) In addition to meeting the criteria in [section 3], an entity operating an eligible training program shall include in its grant application:

- (a) the target population of trainee participants;
- (b) the number of projected trainee participants;
- (c) the curriculum that trainee participants will follow to meet the needs of industry partners;
- (d) the industry partner that has agreed to provide temporary job placement or apprenticeships to a

1 trainee participant and a copy of the agreement;

2 (e) the projected cost of the green jobs training program for each participant;

3 (f) the services to be received by trainee participants from the eligible training program, the industry  
4 partner, or the local workforce investment board that has signed on to support the eligible training program; and

5 (g) projections for placement and the average wage after program completion.

6 (3) The state workforce investment board shall require grant recipients to report on the following:

7 (a) program completion rates;

8 (b) factors determined to significantly assist or interfere with program participation or completion;

9 (c) the rate of job placement, the average wage at placement, including any benefits, and the rate of job  
10 retention after 1 year;

11 (d) the availability of support services after completion of the green jobs training program;

12 (e) demographic characteristics of trainee participants, as determined by the department by rule; and

13 (f) input from industry partners regarding program improvements that may be necessary.

14 (4) The state workforce investment board shall determine at the beginning of every fiscal year the  
15 amount of funds available for the green jobs training program in that year based on an appropriation by the  
16 legislature. Grants awarded under this section may be made to no fewer than two eligible training programs in  
17 any fiscal year.

18 (5) The state workforce investment board may determine by rule if money appropriated for the green jobs  
19 training program may be spent by eligible training programs to pay trainee participants a minimum wage while  
20 in training or to pay for workers' compensation coverage for trainee participants engaged in an apprenticeship  
21 program or temporary job placement with an industry partner.

22  
23 **NEW SECTION.** **Section 6. Special revenue account.** There is a federal special revenue account to  
24 the credit of the department for use in the green jobs training program that may be spent subject to appropriation  
25 by the legislature. Money must be deposited in the account from federal funds that are available for a green jobs  
26 training program.

27  
28 **Section 7.** Section 53-2-111, MCA, is amended to read:

29 **"53-2-111. Coordination of certain workforce development programs -- requirement for agreement**  
30 **between agencies.** (1) The department shall enter into agreements with the department of labor and industry

1 concerning the administration and coordination of the following workforce development programs:

2 (a) the employment and training program provided for in 53-2-903;

3 (b) the cash assistance employment and training program provided for in Title 53, chapter 4;

4 (c) blind and low-vision services provided for in Title 53, chapter 7, part 3; ~~and~~

5 (d) vocational rehabilitation training, including counseling, advocacy, and assistive technology, provided  
6 for in Title 53, chapter 7, part 1; and

7 (e) the green jobs training program provided for in [sections 1 through 6].

8 (2) The department shall ensure that agreements entered into under subsection (1) are consistent with  
9 the requirements of federal rules and regulations that are applicable to the programs contained in subsections  
10 (1)(a) through (1)(d)."

11  
12 **Section 8.** Section 53-2-1203, MCA, is amended to read:

13 **"53-2-1203. State workforce investment board -- membership -- duties.** (1) There is a state  
14 workforce investment board.

15 (2) The state board consists of:

16 (a) the governor or a person designated by the governor to act on behalf of the governor;

17 (b) subject to 5-5-234, two members of the house of representatives, one from the majority party and  
18 one from the minority party, and two members of the senate, one from the majority party and one from the  
19 minority party, appointed by the presiding officer of each respective chamber; and

20 (c) individuals appointed by the governor, including:

21 (i) representatives of businesses located in Montana who:

22 (A) are owners of businesses, chief executive or operating officers, and other business executives or  
23 employers with optimum policymaking or hiring authority, including business members of local boards; and

24 (B) represent businesses with employment opportunities that reflect the employment opportunities in  
25 Montana;

26 (ii) chief elected officials of local government;

27 (iii) representatives of labor organizations;

28 (iv) representatives of individuals and organizations who have experience with respect to youth activities;

29 (v) representatives of individuals and organizations who have experience and expertise in the delivery  
30 of workforce investment activities;

(vi) representatives of the state agencies who are responsible for the programs and activities that are carried out by the one-stop centers, including but not limited to:

(A) the department of labor and industry;

(B) the department of public health and human services;

(C) the office of the commissioner of higher education; and

(D) the office of public instruction;

(vii) at least one representative of military veterans; and

(viii) other representatives whom the governor may designate.

(3) The selection and appointment of members of the state board must follow the nominating provisions of section 111 of the Act, 29 U.S.C. 2821.

(4) The governor shall appoint enough individuals described in subsection (2)(c)(i) so that those persons compose a majority of the membership of the state board.

(5) The governor shall consider the special needs of Montana's hard-to-serve Indian population and the state's relationship with tribal governments when making appointments to the state board.

(6) The state board shall perform the functions described in section 111 of the Act, 29 U.S.C. 2821, and the duties described in [sections 1 through 6] and may set a priority for training related to the goals of [section 1].

**Section 9.** Section 53-2-1207, MCA, is amended to read:

**"53-2-1207. Coordination of services.** (1) The state board shall assist the governor in developing and continuously improving the statewide system of activities that are provided within the state workforce investment systems by:

(a) developing linkages in order to ensure coordination among the programs described in section 121(b) of the Act (29 U.S.C. 2841(b)); ~~and~~

(b) reviewing local plans, which include a description of the one-stop delivery system to be established or designated in the local area; and

(c) reviewing and awarding grants under the green jobs training program provided for in [sections 1 through 6].

(2) Local boards shall coordinate services provided to Indians with providers offering services pursuant to section 166 of the Act (29 U.S.C. 2911) and providers offering services pursuant to the Indian Employment,

1 Training and Related Services Demonstration Act of 1992, Public Law 102-477 (25 U.S.C. 3401)."

2  
3 NEW SECTION. **Section 10. Codification instruction.** [Sections 1 through 6] are intended to be  
4 codified as an integral part of Title 39, chapter 10, and the provisions of Title 39, chapter 10, apply to [sections  
5 1 through 6].

6  
7 NEW SECTION. **Section 11. Effective date.** [This act] is effective July 1, 2009.

8  
9 NEW SECTION. **Section 12. Termination.** [This act] terminates July 1, 2013.

10 - END -